

REMARKS

Claims 15, 16, 19-21, 24-27, 32-35, 37-41, 43, and 46 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

INTERVIEW SUMMARY

Applicants thank the Examiner for the interview granted on October 14, 2011. During the interview, the art cited in the rejections was discussed in relation to Independent Claims 15 and 27. Proposed amendments were discussed regarding Independent Claims 15 and 27 which, it is believed, were agreed would overcome the outstanding rejections and place the claims in condition for allowance.

During the interview, it was agreed that amending the claims to recite that the harvesting member can encompass a portion of the collet assembly would place the claims in condition for allowance. Encompass is understood to include, for example, encircling or surrounding. It is understood, however, that encompassing can include simply ensuring a continuous cannula or bore through interconnected portions.

It was further agreed that the specification can be amended to include the word "encompass" based upon at least the figures as originally filed including Fig. 3, 8, 8A, and 11. Accordingly, the application is amended by the subject amendment as agreed by the Examiner and supported at least by the figures as originally filed.

Finally, it was agreed that all of the included amendments would be entered and considered after the Final Office Action.

AMENDMENT TO THE SPECIFICATION

Paragraphs 30, 33, 35-37, and 39 are hereby amended. The paragraphs are amended as supported by the application as originally filed including Figs. 2, 3, 8, and 8A. Applicants respectfully submit that the amendment to the specification does not add any new subject matter and is supported by the application as filed as discussed with the Examiner during the interview on October 14, 2011.

AMENDMENT TO THE DRAWINGS

Figs. 2 and 3 are amended to include reference numerals in line with the subject amendments.

REJECTION UNDER 35 U.S.C. § 103

Claims 15, 16, 19-21, 24-26, 41, 43 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Scarborough et al. (U.S. Pat. No. 5,632,747) (herein Scarborough) in view of Kageyama et al. (U.S. Pat. No. 4,856,693). Claims 35 and 37-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Scarborough et al. (U.S. Pat. No. 5,632,747) (herein Scarborough) in view of Lin (U.S. Pat. No. 6,808,182). Claims 27 and 32-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Scarborough et al. (U.S. Pat. No. 5,632,747) (herein Scarborough) in view of Bobic et al. (U.S. Pat. No. 5,919,196) (herein Bobic), further in view of Lin and Kageyama. These rejections are respectfully traversed.

As discussed with the Examiner during the interview, summarized above, the claims have been amended into allowable form. Applicants provide the arguments below in light of the interview with the Examiner.

Claim 15 is amended to recite, "a harvester to selectively engage said selectively engageable mechanism and to be at least partially disposed within said sleeve throughbore and encompass a portion of said collar, said harvester defining a harvester throughbore." Independent Claim 35 is amended to recite, " a connecting assembly including a connecting member having a connecting member cannula and a spring biasing member and a bearing member positioned within a sleeve, said connecting assembly operable to selectively interconnect said graspable member and said harvest member at least with said harvest member encompassing a portion of said connecting member." Also, Independent Claim 41 is amended to recite, "wherein the biasing spring member is compressed by said member when said harvesting member is moved against said member to encompass at least a portion of the member and said bearing member engages said bearing aperture when said harvesting member and said graspable portion are interconnected."

Independent Claims 15, 35, and 41 have been amended as discussed with the Examiner during the interview of October 14, 2011. Accordingly, Applicants respectfully submit that Independent Claim 15 is in condition for allowance along with the claims that depend therefrom. Further, Independent Claims 35 and 41 are amended in line with the discussion with the Examiner and Applicants respectfully submit that Independent Claims 35 and 41 along with the claims that depend therefrom are also in condition for allowance.

Briefly, Applicants respectfully submit that art cited in the rejections does not anticipate or render obvious any of Independent Claims 15, 35, or 41. The references to Scarabourgh, Lynn, and Bobic have been previously discussed. In particular, Applicants respectfully submit that the cited art does not disclose a harvesting member or harvester that encompasses any portion of an assembly. Additionally, the cited reference to Kageyama does not overcome the failings of the other cited references. In particular, Kageyama is directed to a container for working out a bar shape material. In particular, the device is for advancing and retracting a bar shaped article. According to embodiments disclosed by Kageyama, a sleeve 2 is inserted into an outer sleeve 1 and a chuck 4 is provided in an end of the inner sleeve 2. The chuck 4 can be formed of divided members and chuck ring 5 can be positioned around the chuck 4. A material 8 can be positioned within the inner sleeve 2 for advancement through the chuck 4. Kageyama, however, does not overcome the failing of the other cited art to disclose or render obvious a harvester or harvesting member that encompasses a member or collar.

Independent Claim 27 is amended to recite, "removing said trapped selected length of bone from said harvesting member into a selected location at least by pushing said trapped selected length of bone from a throughbore defined at least through said harvesting member and said collet while said harvesting member is interconnected with said collet."

Independent Claim 27 has been amended as discussed with the Examiner. The method of amended Independent Claim 27, as discussed with the Examiner in the interview of October 14, 2011, places Independent Claim 27 in condition for allowance.

Applicants respectfully submit that the method recited in Independent Claim 27 is in condition for allowance at least for the reasons discussed above. In particular, Applicants respectfully submit that the cited art, either alone or in combination, does not disclose a method of removing a trapped selected length bone from a through bore defined at least through a harvesting member and a collet while the harvesting member is interconnected with the collet. Accordingly, Independent Claim 27 and the claims that depend directly or indirectly therefrom place the claims in condition for allowance.

Applicants again thank the Examiner for the interview granted on October 14, 2011. In addition, if any of the presently pending claims are not found to be in condition for allowance, Applicants respectfully request that the Examiner contact Applicants' Representative prior to any further amendments.

CONCLUSION

As discussed above, Applicants have amended each of the currently pending independent claims. Applicants respectfully submit that the independent claims have been amended to expedite prosecution of the current application and are in condition for allowance in light of the art cited in the rejections. Accordingly, Applicants submit that all of the stated grounds of rejections have been traversed, accommodated, or rendered moot. Applicants respectfully request that the Examiner withdraw all of the outstanding rejections and pass the present application to allowance at the Examiner's earliest convenience. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

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